

ORDINANCE NO. 15 -05
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member Sue Leneach on the 19th day of December, 2005.

AN ORDINANCE AMENDING SECTION 660.07 OF
THE CENTERVILLE MUNICIPAL CODE TO
ALLOW THE CITY'S CODE OFFICIAL TO SERVE
NOTICES OF VIOLATIONS.

PREAMBLE AND PURPOSE

WHEREAS, the City of Centerville has previously enacted regulations in the Centerville Municipal Code Section 660.07 to enforce regulations for the deposit and storage of junk, junk cars and rubbish; and

WHEREAS, The City of Centerville previously authorized notification of violations of Section 660.07 to be delivered via personal service by a City police officer; and

WHEREAS, the City now intends to allow the City's Code Official to also serve the notification of violations;

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following amendments to Section 660.07 of the Centerville Municipal Code are hereby enacted as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

660.07 DEPOSIT AND STORAGE OF JUNK, JUNK CARS AND RUBBISH.

(a) Definitions. As used in this section:

(1) "Unlicensed, inoperative, abandoned or junked motor vehicle" means:

A. Any vehicle not capable of legal operation on public streets in accordance with applicable ordinances and laws. The fact that a vehicle is not equipped with license plates as required by State law shall mean that it is not capable of such legal operation on public streets. Further, an inoperative, abandoned or junked vehicle is also defined as one that is partially dismantled, wrecked or deteriorating to such an extent that its continued presence would create a negative impact on property values and/or create a blighting influence on the neighborhood.

B. A motor vehicle being stored for service and repair. However, if such

motor vehicle was impounded by order of the Manager or anyone designated by him or her in accordance with the provisions of division (d) of this section, or by order of the Chief of Police, such motor vehicle shall not be considered a junk car.

(2) "Reconditioning" means the process of restoring, refurbishing or repairing a motor vehicle, which process must be performed in an enclosed area.

(3) "Unenclosed areas" and "unenclosed" refer to areas not enclosed by a building with walls through which one cannot see.

(b) General Prohibition; Exceptions.

(1) No person, firm or corporation shall deposit, store, maintain or collect, or permit the deposit, storage, maintenance or collection of any unlicensed, inoperative, abandoned or junked motor vehicle in unenclosed areas on his or her premises or on any premises under his or her control which are unenclosed, or in any other place within the City, except as expressly provided by law.

(2) The provisions of this division (b) shall not apply to the deposit and storage of junk, junk cars or rubbish in regularly established dumps, junk yards or salvage and scrap metal yards within the City.

(c) Time Limit for Removal or Enclosure and Method of Notification. Any person violating any provision of this section shall, within 72 hours after notification of such violation by a person acting on behalf of the City, remove or cause to be removed any unlicensed, inoperative, abandoned or junked motor vehicle or have the same placed in an enclosure or building with walls through which one cannot see, and in the event of failure, within such 72-hour period, to comply with such notice, he or she shall be deemed guilty of violating the provisions of this section. Notification shall be by certified or registered letter to the owner of the real property upon which the violation occurs at the then-current tax mailing address of the owner or by personal service by *either a Code Official or a City police officer*. Personal service shall be considered valid and received by the owner if served upon an adult human being at said real property. If such service is refused or undeliverable, notification may be made by posting in a prominent place on said property.

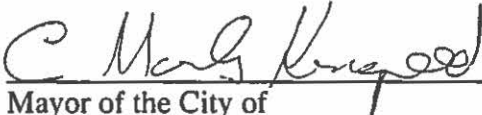
(d) Removal of Junk Cars by City; Impounding. The Manager or anyone designated by him or her is hereby authorized to remove or have removed any junk car left at any place within the City which is in violation of this section. Such junk car shall be impounded until lawfully claimed or disposed of in accordance with Ohio R.C. Chapter 737 or 4513.60.

(e) Penalty. Whoever violates any of the provisions of this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the third degree

for each subsequent offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

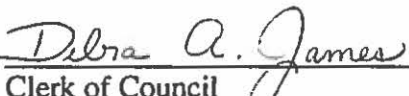
Section 2, This ordinance shall be effective from and after the earliest date allowed by law.

PASSED THIS 19th day of December, 2005.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 15-05, passed by the Council of the City of Centerville, Ohio on the 19th day of December, 2005.



Clerk of the Council

Approved as to form, consistency with the
Charter and Constitutional Provisions.

Department of Law
Scott A. Liberman
Municipal Attorney